

Bail Project 'Completely Proved' As Plan to Replace Old System

Third in a series

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Last August, Washington police arrested John Wesley, 43, and charged him with shooting to death a man who, Wesley said, was tampering with his car behind his home.

Wesley had been supporting his wife and five children with two full-time jobs. During the day he was a labor gang leader for the D.C. Sanitation Department, where his supervisor called him "one of the best men I have." At night he worked at a gas station near his home.

Both employers, when told about Wesley's arrest, said they were willing and eager to have him back at work.

Wesley's bail bond had been set at \$10,000. He could not afford the \$530 bondsman's fee for that amount and he still would be in the D.C. Jail today awaiting final disposition of his case had there been no D.C. Bail Bond Project.

Continued to Work

On the project's recommendation, U.S. Commissioner Sam Wertlieb released Wesley the day after his arrest simply on his promise to return to court.

Wesley has been back working at both his jobs

ever since and has appeared on time for six scheduled court dates so far.

"I don't know what we would have done if they had not gotten him out of jail," Wesley's wife, Florence, said. Without her husband's earnings, she added, her family would have had to apply for public assistance.

'An Obvious Need'

"Here was an obviously tremendous need for a defendant to be out of jail, supporting his family, while awaiting trial," Richard Mollleur, director of the Bail Bond Project, explained. "And his close family job and community ties clearly showed there would be little risk of his fleeing prosecution."

Since it began operating in Washington's courts on a Ford Foundation grant in 1964, the experimental project has gained the pretrial personal bond release of more than 2000 defendants, based on their family and community ties.

Many released defendants, like 36-year-old construction worker Benjamin Frieson, otherwise would have spent needless months in jail. Frieson was arrested for homicide in November, 1964. His case was dismissed in the U.S. District Court this January.

Instead of waiting during

the intervening 14 months in the D.C. Jail, Frieson was free to go back to work and continue to support his dependents.

Eighteen-year-old Sterling Carroll was arrested on a charge of robbery last November. Although he lived with his family and had no prior criminal record, his bond was set at \$10,000 by Court of General Sessions Judge Milton S. Kronheim Jr.

"We just don't have the kind of money we needed to pay a bondsman," Sterling's mother, Dorothy, said. The premium would have been \$530. But the Bail Bond Project soon obtained the youth's release and he was able to work on a delivery truck until his trial, and acquittal, this March.

Computing Costs

"The Bail Bond Project has helped keep these people at work producing for society instead of costing the taxpayers money in jail," points out General Sessions Judge Edward A. Beard, one of the project's supervisors.

Project workers now are trying to compute how much money in jail upkeep, welfare costs and added productivity is saved when

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2000 people are taken out of jail and put on the street.

Their answer — which is expected to run into several hundreds of thousands of dollars — will be furnished to Congressmen who are considering establishment of a permanent D.C. Bail Agency to replace the project when its Ford grant runs out this summer.

Project officials also believe they have proved that a defendant's likelihood of returning to court — based on his home, job and community ties, rather than on how much money he has — should determine if he can be released from jail pending trial.

The belief for centuries had been that unless another person's life or a large sum of money were at stake, the accused never would return to court for trial.

Questioned Old System

A 1963 study by Washington's Junior Bar, which called for the creation of the Bond Project, questioned whether the traditional money bail system had any significant effect at all on whether released defendants again showed up in court.

The defendant released on money bond, the report noted, has already paid his premium fee to a bondsman. He will not get any of the money back when and if he returns to court.

If he fails to reappear, the bondsman, not the defendant, must pay the face value of the bail bond to the court.

Most released defendants

do return, the Junior Bar concluded, because they fear rearrest and probably stiffer sentences if they don't, and because they do not want to cut their ties with their family and community by running away. And those who return include defendants who later are found guilty, as well as those acquitted.

The Junior Bar recommended that the Bail Bond Project test its conclusions. The results:

- So far, 58 defendants — less than 3 per cent of the more than 2000 released on personal bond through the project since early 1964 — have failed to return for trial.

Don't Keep Figures

- Most of them — 47 so far — have been quickly rearrested, usually in Washington. Two cases since have been dropped by court prosecutors. Ten of the project's bond jumpers still are at large.

Washington's bondsmen say that they do not keep comparable figures on how many bail jumpers they have — or how many of them they recapture. But there were 119 bail jumpers at General Sessions Court last year. And one bondsman has pictures on his office wall of about ten current bail jumpers.

Max Weinstein, who runs the largest bail bond business in town, keeps a thick stack of cards on his desk which he says contain names of "the ones I'm trying to chase now."

The Bail Bond Project's statistics also show that 180 of the 2000 released defendants — about 9 per cent —

have been arrested for committing another crime while on personal bond release. Fifty of the rearrests involved serious misdemeanor or felony crimes.

Beard Likes Project

A report issued by the project last year showed that 39 defendants charged with homicide had been released on personal bond at that time. Only one was rearrested — for stealing a car — while awaiting trial.

"I think the project has been a completely proved, progressive step," General Sessions Judge Beard said. "It has worked at least as well in returning defendants to court as the old (bail) system."

His appraisal has been echoed by several judges on both the U.S. District Court and General Sessions benches, who also note that the project's Ford Foundation grant ends this summer.

WEDNESDAY: The Future of Bail Reform.